

**Security Council**

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Letter dated 3 March 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Please find attached, for your information and consideration, a press release entitled "Ethiopia's occupation must end", issued by the Permanent Mission of Eritrea to the United Nations on 29 February 2008 (see annex).

I should be grateful if the present letter and its annex could be circulated among the members of the Security Council and issued as a document of the Security Council.

(Signed) Araya Desta
Ambassador
Permanent Representative



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Ethiopia's occupation must end

The Government and the people of Eritrea have all along been a good host to the troops of the United Nations who are serving in the mission area. Eritrea will continue to provide the necessary cooperation to the United Nations Mission in Ethiopia and Eritrea (UNMEE). Eritrea maintains that there is no threat to the security and safety of the United Nations troops in Eritrea. However, it is sad that the issue of fuel has been deliberately blown out of proportion, and the fabricated news about "cutting off food supply to the troops" and "seizing of troops' equipment" were disseminated to divert the attention and responsibility of the Security Council from addressing the occupation of Eritrean territory by Ethiopia.

This is not without precedent. The situation early in 2006 was similar in many respects to the current situation that attempts to derail the peace process. The border dispute is now over. The Eritrea-Ethiopia Boundary Commission, a neutral body established in accordance with article 4.2 of the Algiers Agreement, officially submitted signed maps to the parties and to the United Nations at the end of November last, as noted in the twenty-sixth report of the Boundary Commission to the United Nations Secretary-General.

The peaceful and legal conclusion of the border conflict between Eritrea and Ethiopia as envisioned in the provisions of the Algiers Agreements was a good occasion for the Security Council to consider the matter and take the necessary steps to ensure that the rule of law is fully respected. The consideration of the new development was postponed until January 2008 to coincide with the expiration of the UNMEE mandate, where discussions focused on the future of UNMEE but not on the future of the 1 million inhabitants of Eritrea in the temporary security zone who have waited patiently for over seven years to resume their normal lives within safe and secure borders.

In this regard, Security Council resolution 1798 (2008) is very revealing in its intent and its direction. The resolution totally disregards the final demarcation decision of the Boundary Commission, which has sole jurisdiction for determining the boundary on the basis of the colonial treaties and international law (articles 4.1 and 4.2 of the Algiers Agreement). Moreover, the resolution ignored the fact that the delimitation and demarcation decision of the Algiers Agreement is also final and binding on the parties, and "Each party shall respect the border so determined, as well as the territorial integrity and sovereignty of the other party" (article 4.15 of the Algiers Agreement).

To remain silent, however, at the time when the matter was concluded in November 2007 and to dwell on peripheral issues when the opportunity arose to discuss the issue of Eritrea and Ethiopia, raises a serious concern about the Security Council's readiness to contribute to regional peace and security. The Security Council needs to remind itself that the core of the problem has been Ethiopia's refusal to meet its treaty obligation. It is important to recall that it is Ethiopia and not Eritrea that is responsible for the fact that boundary pillars have not been erected. Indeed, had Ethiopia not rejected the delimitation decision and the

demarcation directives and orders of the Commission as originally foreseen, the problem would have been resolved in 2004 within the timeline anticipated then. Physical demarcation could not be implemented because Ethiopia reneged on its treaty obligation and commitments and the Security Council failed to secure Ethiopia's compliance.

Thus, ignoring the underlying issue in the Security Council has given the green light to Ethiopia to continue to occupy sovereign Eritrea territory. The Security Council should not fail to exercise its moral and legal responsibility under the Charter of the United Nations. Ambassador John Bolton's book *Surrender is not an Option* gives an account how the peace process was undermined to accommodate Ethiopia. The same rules and standards must be applied to all members of the United Nations, and Ethiopia cannot be above the law and it must be held responsible for violating the Algiers Agreement and international law.

Numerous key provisions of the Algiers Agreements were systematically violated by Ethiopia with impunity. In order to delay and prevent the demarcation by pillars, Ethiopia has repeatedly breached the Algiers Peace Agreement, inter alia, by:

- Refusing to comply with Security Council resolution 1430 (2002) to evacuate from the illegal settlement it made in Eritrea in July 2002, a few months after the legal delimitation verdict was awarded.
- Rejecting the final and binding Boundary Commission award as "illegal, unjust and irresponsible" and proposing that the Security Council set up an alternative mechanism to areas that it contests (2003).
- Illegally sending its militia armed with AK-47s to the temporary security zone and threatening UNMEE peacekeepers by firing over their heads.
- Harassing United Nations and Boundary Commission personnel attempting to carry on their field work in the border region; preventing the Boundary Commission staff from continuing the physical demarcation which started on the eastern sector of the 1,000-km long border; and forcing the Boundary Commission to close its field offices.
- Failing to meet its financial obligation to the trust fund for demarcation; failing to respond to the Commission's request for assurances of freedom of movement and security for its staff travelling to the region to reopen the Commission's field offices; and refusing to appoint liaison officers.
- Deployment and steady build-up of armed forces near the southern boundary of the temporary security zone.

Yet the Security Council treated Ethiopia's flagrant violations as not consequential to regional peace and security. Eritrea again urges the Security Council to exercise its moral and legal responsibility in bringing an end to Ethiopia's occupation and restoring the territorial integrity of Eritrea.